

**Meeting Minutes for *E. coli* rulemaking Workgroup
May 7, 2003, 12:30 p.m. to 3:30 p.m.
West Lafayette City Hall Court Room**

Attendees Included: Mary Ellen Gray, Dennis Clark, Chad Frahm, David Kallander, Bill Harkins, Roseann Hirschinger, Dan Olson, Jodi Perras, Tom Ungar, Jim Meyer, Barb Lollar, R.M. Van Frank, Lynne Newvine, Kiran Verma.

Minutes of the 3/28/03 Meeting:

Mary Ellen asked the group if there were any revisions or corrections to be made to minutes. Mr. Van Frank indicated that some of his comments were not included in the minutes. He specifically wanted the minutes to reflect that the risk levels are based on studies only on adult humans age eighteen and older and only for gastrointestinal illnesses. He pointed out that risk levels are not based on studies on children who are more susceptible to such diseases. Minutes will be revised to reflect the omission.

Discussion on other organisms:

Dick Van Frank asked the question as to why we are discussing other organisms. Mary Ellen explained that IDEM is looking to see what other science is available. Dave Kallander indicated that EPA's 2002 Guidance is what we have to work with and that he had not been able to find additional information. Dave Kallander explained that there are a lot of other pathogens which share the same characteristics as *E. coli*. Denny Clark agreed with Dave Kallander and added that enterococcus is another indicator. Jim Meyer was of the opinion that EPA has not seen any subsequent studies; if there were any further studies, they were done on fresh water. Dick Van Frank stated that if new research had to be done, he felt that there were more important issues than *E. coli* which needed research, therefore due to funding concerns EPA was not doing further studies on *E. coli*. Jodi Perras wanted the minutes to reflect that *E. coli* is termed as an indicator for gastrointestinal illnesses. Dan Olson also mentioned that it was important to keep in mind that *E. coli* is an indicator organism for gastrointestinal illnesses.

Review of draft First Notice:

IDEM will look into converting documents into pdf.

Mary Ellen drew attention to the text in italics on page 1 regarding the definition of full body contact, as it had not been articulated before and wanted to get the opinion of the workgroup on it. It was agreed that the information should be included. Mary Ellen explained that the first notice had been drafted with information from the workplan.

Regarding the fiscal impact information, Mary Ellen explained that some costs may be more and in some cases there may be cost savings. She indicated that this was IDEM's first attempt at the fiscal language and we can discuss it further. Dan Olson reported that this rulemaking would have significant potential fiscal impact on CSO communities as they would still have to meet water quality standards due to year-round disinfection. He suggested using Great Lakes system for Waste Stabilization lagoons, which would mean significant costs. Also have to look at end-of-pipe and mixing zones for costs. Barb Lollar suggested we could add these as examples.

Roseann Hirschinger brought up secondary contact use designation. Jim Meyer questioned whether the state needs to do a UAA. Denny Clark responded that on the contrary, it would be the applicant who would have to a UAA for the state to review. A UAA needs to be done if a designated use of a waterbody is lowered and/or changed. He further explained that criteria implements the use designation; and that we need both the use designation and the criteria. Some discussion followed.

Some workgroup members wished to add a wet weather use designation. Dick Van Frank reported that forty-eight hours after a major storm an exemption should be allowed since water quality standards cannot be met. Jodi Perras indicated that there are different ways to measure compliance and that this was missing in the first notice and should be added as well as the group needed to look at exemption for wet weather flows, adoption of wet weather criteria, and different designated use during high flows. Jim Meyer had a question on how criteria are set. Barb Lollar explained that criteria are set to protect designated uses. A discussion on wet weather and dry weather followed. Jim Meyer wanted to know IDEM's plan to address the issue when standards cannot be met due to storm water events. Dick Van Frank was of the opinion that the first notice should be broad. It was agreed that we should add a reference to adult swimmers and gastrointestinal illnesses in the first notice. Also that we should include a Table or refer to the EPA guidance by including the web site address.

Jodi Perras suggested that under implementation of *E. coli*, we should get public input on how to categorize uses; she would send language regarding this issue to be included in the first notice.

Dick Van Frank suggested that the definition of recreational season should be included. Mary Ellen explained that it was implied since the disinfection requirements were being changed to year-round. It was agreed to change the wording to address the issue.

Follow-up from last meeting:

Review of Federal language on Primary Contact:

Bill Harkins gave an overview of excerpts from the 1986, 1994, and 2002, EPA documents. He explained that EPA regulations do not specifically define the terms "primary contact" or "primary contact recreation". In the 1994 guidance, recreational uses are divided into primary contact and secondary contact recreation. Primary contact recreation classification protects people from illness due to activities involving potential for ingestion of, or immersion in, water, e.g. swimming, water-skiing. Secondary contact recreation classification is protective when immersion is unlikely, e.g. boating, wading. In the 1986 guidance, EPA recommends states designate primary contact recreation and adopt water quality criteria to support primary contact recreation use where feasible to ensure protection of human health from gastrointestinal illness. In the May 2002 Draft guidance, EPA recommends that states should assure that primary contact recreation uses are designated for waterbodies where people engage, or are likely to engage in activities that could result in ingestion or immersion, e.g. swimming, kayaking.

Discussion:

Mary Ellen indicated that the reason she wanted to draw attention to the federal language was that it needed to be discussed whether Indiana should think about changing our definition. Jim Meyer questioned whether there was any other route besides ingestion mentioned in the federal language. Dick Van Frank responded that there have been some reports of inhalation. There was further discussion on this issue.

Report on feedback from EPA on the viability of utilizing 14/1000 risk level:

Mary Ellen reported on the feedback from EPA regarding 8/10/14 per 1000 illnesses risk level that EPA feels very strongly that there is not a scientific basis for 14/1000 risk level, and that the allowable range of 8 to 10 per 1000 illnesses risk level was being discussed.

Discussion:

Dan Olson had concerns with extrapolating and the science that was used by EPA. Tom Ungar reported that he had looked at the current science on *E. coli* regarding secondary contact and could not find any additional science. David Kallander agreed that he hasn't been able to identify any additional studies on this issue and that as result, the work described in the 2002 EPA guidance still stands as the most relevant work on this issue.

Review of state definitions:

Mary Ellen introduced the document Reggie Baker put together on various states definitions of primary and secondary contact recreation. Denny Clark discussed the Colorado approach. Ohio and Michigan also use *E. coli*. Mary Ellen will be sending the Colorado version to the group.

Discussion:

Lynn Newvine suggested that the group review the information on the other states and bring recommendations for discussion at the next meeting. She indicated that other states use enterococcus so it is not as relevant. Dick Van Frank suggested the discussion should be in the context of what other states are doing. It was agreed that the group would look at the other states regarding what kind of uses they have.

Report on possible impact of using 8/10 risk level:

Dan Olson indicated that there would be a minor impact monetarily of using 8/10 for wastewater treatment plants that use chlorine, but there might be some savings for wastewater treatment plants that use UV systems that are flow-based. Roseann Hirschinger commented that there would be some impact on the 303(d) list. Discussion followed on geometric mean.

Next Meeting Issues

- Review of Colorado's January 2003 Recreational Use Classification Guidance
- Utilization of risk levels for full body contact
- Do we develop a secondary contact use designation?
- Discussion of changing full body contact definition to primary contact definition
- Review of meeting dates for the rest of the year

5/30/03

Next Meeting

June 5, 2003

12:30 p.m. – 3:30 p.m.

Tippecanoe County Extension Office